

**BOARD OF ADJUSTMENT  
Zoning Administration Division  
Development Services Department (DSD)  
201 North Stone Avenue, Tucson, Arizona 85701**

**\*\*\* NOTICES OF DECISION \*\*\***

DATE OF ORIGINAL PUBLIC HEARING    **February 25, 2009**

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J)&(K).

CASE NO.

THE APPLICANT

**C10-95-108 T6 FILLING STATION/NIMBUS BREWERY (AKA LONG WONGS) 2500  
EAST 6<sup>TH</sup> STREET, C-1**

The applicant's site is a 10,800 square foot lot located on the southeast corner of East Sixth Street and North Tucson Boulevard, and is zoned C-1 "Commercial". In 1996, variances were granted to allow a sit down restaurant (food service use), subject to conditions. The variances granted included: use of the public right-of-way to meet Code requirements, allow parking in the right-of-way, eliminate the need for an alternate site plan showing compliance when future right-of-way is acquired, reduce building setback adjacent to Tucson Boulevard, delete a portion of the pedestrian access facilities, reduce motor vehicle parking, delete the onsite loading space, and delete a portion of the landscaping and screening. In 2000, a continuation of these previously approved variances and a change in condition were granted to allow the serving of alcohol. The requests were approved subject to provision of additional leased motor vehicle parking spaces. This applicant is requesting change in conditions D, F and I of the Board's January 24, 1996 decision and a change in Condition B of the Board's January 26, 2000 decision. Specifically, the applicant is seeking a continuation of the previously approved variances and the following change in conditions of approval: substitute the 2009 site plan in lieu of the site plan submitted to the Board in 2000 (D), increase the sit down eating area allowed prior to 5:00 p.m. from 20 seats to 49 seats (F), extend the hours of operation from 10:00 p.m. to 12:30 a.m. (I); and reduce the number of required leased parking spaces required by the January 26, 2000 decision (B). The submitted site plan dated January 27, 2009 has not been reviewed or approved for zoning compliance and may require approval of additional variances and other agency approvals not included in this request.

**DECISION:    THE CITY OF TUCSON ARIZONA RULES AND REGULATIONS OF THE BOARD OF ADJUSTMENT REQUIRE IN ALL CASES THAT THE APPLICATION SUBMITTED INCLUDE SITE PLANS WHICH HAVE BEEN REVIEWED FOR CODE COMPLIANCE. THE BOARD OF ADJUSTMENT VOTED NOT TO SUSPEND ITS RULE THAT THE APPLICATION SUBMITTAL TO THE BOARD MUST INCLUDE SITE PLANS WHICH HAVE BEEN REVIEWED FOR CODE COMPLIANCE. THE BOARD ALSO VOTED TO NOT REVIEW THE APPLICANT'S REQUESTED CHANGE OF CONDITIONS AT THIS TIME. THE BOARD WILL REVIEW THE APPLICANT'S REQUEST AT ONE TIME.**

If you want further information, please call Russlyn Wells at 837-4948 or Wayne Bogdan at 837-4946.

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**Sue Montes, Secretary  
Board of Adjustment**

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